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RUEHNE/AMEMBASSY NEW DELHI IMMEDIATE 9013
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RUEHLH/AMCONSUL LAHORE IMMEDIATE 9731
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C O N F I D E N T I A L SECTION 01 OF 02 ISLAMABAD 015543

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SUBJECT: SOUTH WAZIRISTAN PARLIAMENTARIANS POSITIVE ON LOYA
JIRGA

REF: PESHAWAR 413

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Classified By: Ambassador Ryan Crocker, Reasons 1.4 (b) and (d)

11. (C) Two senior and well-connected participants in the North Waziristan jirga expect the assembly to succeed and to issue binding decisions within 10-15 days. While not divulging the details of each side's negotiating positions, they report that if the jirga is successful, it will result in the expulsion of foreigners from North Waziristan and end cross-border infiltration into Afghanistan. End summary.

12. (C) On August 4, during a one-week break in the North Waziristan jirga, Polcouns met in Islamabad with two participants: South Waziristan Senator Saleh Shah Qureshi and South Waziristan MNA Maulana Mirajuddin. Both were optimistic that the jirga would achieve its key objectives within 10-15 days.

Structure and Participation

13. (C) Saleh and Mirajuddin confirmed that the jirga consists of 45 tribal representatives, including at least three from each of the seven tribal agencies. The majority of members are from North and South Waziristan. Participants include three MNAs and one Senator; the rest are a mix of respected tribal figures. Saleh explained that NWFP Governor Orakzai had consulted with tribal representatives for two months before finalizing participation. The resulting group is truly authoritative; it represents all parties, controlling both locals and foreigners. Saleh maintained that with the inauguration of the jirga on July 20, cross-border infiltration had ceased -- a demonstration, he asserted, of the jirga's authority. Saleh added that tribal participants were representative and had the stature to also speak for tribes on the Afghan side of the border; indeed,

the idea had been discussed in the jirga that if it were successful, it could be extended to include the Americans and address the situation in Afghanistan.

14. (C) The two explained that while the jirga was in session, the 45 members met during the day with militants at a location in Miranshah, North Waziristan. In the evening, they retreated to a GOP guest house in Miranshah where they held meetings with the Political Agent and other GOP representatives. The group would meet with Governor Orakzai during the week of August 6, then return to Miranshah. They expected that jirga would wrap up and start implementing decisions in 10-15 days (i.e., by August 13-18). The decisions would be binding on both sides.

Process and Objectives

15. (C) By way of background, Mirajuddin observed that current problems in the FATA were largely the consequence of developments in Afghanistan in recent years. On the one hand, foreigners had arrived and, in violation of tribal tradition, they had resorted to violence. On the other hand, the Pakistan Army had also violated tribal tradition by using violence, to which the tribes were obliged to respond in kind. Both Saleh and Mirajuddin insisted that the anti-GOP militancy was a broad-based tribal response to the army's incursions and resort to violence; attributing it to "Taliban" was merely propaganda. They and other tribal leaders had long urged the government to address the conflict via a jirga, and they were hopeful that the current jirga process would resolve matters to the satisfaction of all parties. If the jirga failed, there could be little hope of resolving the conflict because no other jirga could match the prestige of the current one.

16. (C) Saleh and Mirajuddin explained that the current jirga

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is an arbitration mechanism to resolve the dispute between the militants and the GOP. According to tradition, such a process could only begin once three conditions are met. The sides must lay down their weapons, release prisoners, and return any assets into the custody of the jirga. In the current jirga, this third condition meant the army must withdraw from its posts in North Waziristan. This process has begun: a cease-fire is in place, prisoners have been exchanged and the army has vacated some positions. The jirga is now dealing with other substantive demands by the government. Saleh and Mirajuddin were reluctant to divulge these demands, saying that the jirga code required confidentiality. Saleh did volunteer that if the jirga were

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successful, foreigners would be expelled and infiltration into Afghanistan would stop.

17. (C) When asked what leverage the Pakistan Government would have to ensure compliance once the jirga's preconditions were met, they responded that the government would have the ability to sanction tribes for non-compliance under the Frontier Crimes Regulations. (Note: The FCR is a criminal code dating back to the British Raj whereby the tribes largely govern themselves, but the federal government has recourse to collective punishment when necessary. End Note.) Also, if (as they hoped) the Pakistan Army were to withdraw, the Frontier Corps would remain as a law-enforcement presence that was acceptable to the tribes. Moreover, the prestige of the jirga was such that violating its binding provisions would bring dishonor.

18. (C) According to Saleh and Mirajuddin, the objective of the jirga is to achieve a reconciliation between the government and the militants such that no-one will be threatened, either in North Waziristan, in Afghanistan or in the international community. The jirga is focusing

exclusively on resolving the militancy in North Waziristan, they said; if the need arose to resolve disputes in other tribal areas, the jirga could be reconvened or a new one could be formed. The jirga is not discussing development projects or socio-economic incentives that might help facilitate a settlement.

Comment

¶9. (C) President Musharraf has been clear that while he strongly supports the jirga, his redlines are that the foreigners must be expelled and cross-border attacks must stop. This message has clearly sunk in with the jirga members. The fact that the jirga focuses only on one Agency certainly leaves open the possibility that these phenomena might shift to other agencies. Nonetheless, if the jirga is successful in North Waziristan (the hardest case) it will be an important signal to the tribes in other Agencies -- especially coming as it did on the heels of Pakistan military operations (reftel). Orakzai may have constituted the jirga -- with members from every agency -- with this contingency in mind, namely that it might be called on to address conflicts in other agencies as well.

¶10. (C) The jirga is a tried-and-true mechanism for solving immediate, discrete problems. It is not/not focused on the long-term political, security and economic challenges that must be addressed if the Tribal Areas as a whole are to evolve into a region less hospitable to militants. We will continue to work with our Pakistani counterparts as they develop a comprehensive strategy for the area.
CROCKER